

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

WILLIE PURDOM
PLAINTIFF

FILED

MAY 14 2007

VS. CIVIL ACTION NO:07-510

PAUL R. GETTLEMAN
DEFENDANT

CLERK U.S. DISTRICT COURT
WEST. DIST. OF PENNSYLVANIA

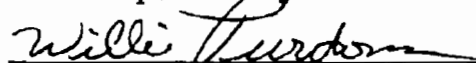
MOTION TO DISMISS WITHOUT PREJUDICE

Come Now The Plaintiff Willie Purdom, Pro-se in the above style captioned and hereby moves this Honorable Court to dismissed the above action without prejudice, as this action is best suitable in state court against the above defendant in a common law tort action, as the defendant is a private party, and section 1983 is not the proper remedy, against Defendant Gettleman, See Polk County v Dodson, 454 US 312 (1981) (As The United States Supreme Court Held'.....,

"A Private Attorney even if he is retained, appointed, or Public defender, does not act under color of state law when performing a lawyer's traditional functions as counsel to a defendant, in a criminal proceedings.

Wherefore Plaintiff Purdom respectfully move this Honorable Court to dismissed the above style action without prejudice, in order to litigated this cause in state courts of Pennsylvania.

Respectfully Submitted


Willie Purdom #03643-068
FMC Lexington
P.O. Box 14500
Lexington, KY 40512

5/15/07

Granted - This case is Closed -

Suzette K. Andrade